

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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YURMAN STUDIO, INC. and YURMAN
DESIGN, INC.,

Plaintiffs/Counter-Defendants,

- against -

ELENA CASTANEDA and EJEWELER LLC
d/b/a OVERSTOCKJEWELER.COM,

Defendants/Counter-Plaintiffs.
----- X

Civil Action No. 07-1241 (SAS)(HP)
(Action No. 1)

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CARTIER, a division of RICHEMONT NORTH
AMERICA, INC., CARTIER INTERNATIONAL,
N.V., CARTIER CREATION STUDIO, S.A., VAN
CLEEF & ARPELS S.A., VAN CLEEF &
ARPELS, INC., VAN CLEEF & ARPELS
DISTRIBUTION, INC., GUCCI AMERICA, INC.,
and BULGARI S.p.A.,

Plaintiffs,

- against -

ELENA CASTANEDA and EJEWELER LLC
d/b/a OVERSTOCKJEWELER.COM,

Defendants.
----- X

Civil Action No. 07-7862 (SAS)(HP)
(Action No. 2)

**DECLARATION OF LOUIS S. EDERER, ESQ. IN OPPOSITION TO
DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT**

EXHIBIT H



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September 13, 2005

**PRIVILEGED AND CONFIDENTIAL - FOR
SETTLEMENT DISCUSSION PURPOSES ONLY
SUBJECT TO FRE 408**

BY E-MAIL (tsaunders@brbilaw.com)

Thomas M. Saunders, Esq.
Brown Rudnick Berlack Israels LLP
One Financial Center
Boston, MA 02111

Re: Yurman Studios/OverstockJeweler

Dear Mr. Saunders:

This is in response to your August 31, 2005 letter.

On further review, Yurman continues to have an objection to the sale of the following items: 9, 10, 27, 28, the double "X" gold/silver earrings next to item 27, and item 43, an item not mentioned in your letter.

With respect to the issues of your client's use of the Yurman name, the disclosure of the identity of your client's supplier, and the disclosure of your client's sales and profit information, our position remains the same as set forth in our August 22 letter. With respect to the use of the Yurman name, how can you continue to indicate that your client's product are "inspired by David Yurman" while at the same time claiming that there is no copyright infringement? As for the identity of the supplier and the disclosure of sales and profit information, obviously you know that we can get that information quite easily in discovery in litigation, so I don't see any point in withholding that information. I suggest you address these points now, for as I have indicated several times, Yurman will not settle the matter without these disclosures.

I look forward to your earliest reply.

Yours very truly,

Louis S. Ederer

cc: Yurman Studios, Inc.

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